

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LUIS A. DEL MAZO, JR., Trustee,)
RICHMOND COMMUNITY TRUST,)
Plaintiff,)
v.)
COUNTRYWIDE HOME LOANS, INC.,)
THE BANK OF NEW YORK MELLON,)
Defendants.)
NO. 3:16-0032
Judge Sharp

ORDER

The Magistrate Judge has entered a Report and Recommendation (“R & R”) (Docket No. 10) in which he recommends that “Plaintiff’s Emergency Motion for Temporary Restraining Order and Application for Temporary Injunction” (Docket No. 9) be denied. In doing so, the Magistrate Judge observed:

Local Rule 7.01(a) provides in relevant part, “Every motion that may require the resolution of an issue of law, in either civil or criminal cases, when filed shall be accompanied by a memorandum of law citing supporting authorities and, where allegations of fact are relied upon, affidavits or depositions in support thereof.”

Plaintiff has not filed a supporting Memorandum of Law, nor has he filed any affidavits or depositions to support his allegations of fact. Plaintiff has not discussed the requirements for an injunction or how he meets those requirements.

(Docket No. 10 at 1-2).

Plaintiff, as Trustee for the Richmond Community Trust, has filed no Objections to the R & R. Instead, he filed a “Notice of Filing Affidavit and Document in Support of Temporary Restraining Order” (Docket No. 13). That filing, however, does not come close to addressing the

deficiencies noted by the Magistrate Judge. Rather, it consists of an Affidavit from a private investigator regarding his search of business records to determine “the interest in the James and Betty Reed Mortgage Loan Instrument,” and a report titled “Chain of Title Analysis & Mortgage Fraud Investigation” (Docket No.s 13-2 and 13-3). Neither of those documents show imminent and irreparable harm absent extraordinary injunctive, nor has Plaintiff filed a Memorandum of Law in accordance with this Court’ s Local Rules supporting his position or made an attempt to discuss the requirements for injunctive relief.

The R & R (Docket No. 10) is hereby ACCEPTED and APPROVED, and “Plaintiff’s Emergency Motion for Temporary Restraining Order and Application for Temporary Injunction” (Docket No. 9) is hereby DENIED.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE